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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,356	09/13/2004	Ruei-Chuan Chang	ACIP0019USA	5355

27765 7590 09/19/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
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EXAMINER
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BAE, JI H

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/711,356

Applicant(s)

CHANG ET AL.

Examiner

Ji H. Bae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the share" in line 8 and "the commands entered through a graphical user interface" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim. Claims 11 and 19 are rejected on similar grounds.

Claim 4 recites the limitation "the utilization" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 14 is rejected on similar grounds.

Claim 5 recites the limitation "the total share" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris, U.S. Patent No. 5,630,148, in view of Ninomiya et al., U.S. Patent No. 5,532,935.

Regarding claim 1, Norris teaches a method comprising:

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categorizing each task to be executed on the portable device [Fig. 5, step 100, col. 6, lines 50-59];

prescribing a power management policy according to a category of which each task is associated therewith; [Fig. 5, step 104, col. 6, lines 60-65] and

increasing the share of the unit power supply allocated to a task running in an active window according to the commands entered through a graphical user interface [col. 6, lines 5-16, col. 7, lines 17-23].

Ninomiya teaches:

allocating a predetermined ratio of a unit power supply to a power consuming component of a computer system [col. 9, lines 28-46].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Norris and Ninomiya by modifying Norris to allocate power as a portion of a unit power supply, as taught by Ninomiya. Both Norris and Ninomiya are concerned with controlling power in a battery-powered portable computer systems [Norris, col. 1, lines 15-20, Ninomiya, col. 1, lines 18-20]. The teachings of Ninomiya would improve the system of Norris by providing a way to allow the user to know how power allocation will translate into useable battery time [col.1, lines 39-47].

Regarding claim 2, Ninomiya teaches that the unit power supply is obtained by dividing a total power supply amount by a total number of power supply cycles within a desired usage time [col. 9, lines 28-32].

Regarding claims 3 and 4, Ninomiya teaches designating a total number of power supply cycles within a desired usage time, calculating the total power supply amount and unit power supply, and also a periodic correction procedure interval [col. 10, lines 44-50]. Ninomiya also teaches observing the utilization of the unit power supply allocated to each task when a periodic

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correction procedure is reached, and redistributing the unit power supply allocated to each task based on the observation.

Regarding claim 19, Norris and Ninomiya teaches the method of claim 1, and also the portable device that implements the claimed method.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Togawa, U.S. Patent No. 6,834,354 B1;

Nalawadi et al., U.S. Patent No. 2006/0005057 A1;

Greco et al., U.S. Patent No. 2004/0073822 A1;

Velasco et al., U.S. Patent No. 6,115,823;

Cyran et al., U.S. Patent No. 2003/0191976 A1;

Hensbergen et al., U.S. Patent No. 2005/0125701 A1;

Gedeon, U.S. Patent No. 2004/0044914 A1.

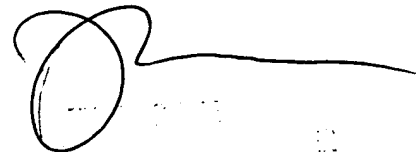
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, consisting of a stylized 'J' and 'B' followed by a horizontal line.